

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

CANAL INDEMNITY COMPANY, a South Carolina Corporation,

Plaintiff,

vs.

TROPHY HOMES, LC, a Utah Limited Liability Company, *et al.*,

Defendants.

**ORDER and
MEMORANDUM DECISION**

Case No. 2:10-cv-844

Now before the court is Plaintiff Canal Indemnity Company's motion to amend its complaint to attempt to adequately invoke diversity jurisdiction pursuant to 28 U.S.C. § 1332. (Dkt. No. 25.) In its proposed amended complaint, Canal satisfactorily alleges that the parties are completely diverse. Critically, however, Canal's proposed complaint does not allege that over \$75,000 is at issue. While the court could infer from the nature of this action that the jurisdictional amount has been met, it is also possible that less than that amount is at issue. The court therefore DENIES Canal's motion to file its proposed amended complaint.

Canal has one final chance to attempt to properly plead diversity jurisdiction. Canal has five days from the date of this order to once again move to file an amended complaint. Failure to move to amend or failure to propose an amended complaint that properly pleads diversity jurisdiction will result in the court dismissing this action for lack of jurisdiction.

SO ORDERED this 8th day of February, 2011.

BY THE COURT:



Clark Waddoups
United States District Judge